

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2005 MAR 21 P 1:23

STEPHEN JOHN CASEY, SR.,

Petitioner,

v.

STEVEN O'BRIEN,

Respondent.

Civil Action No. 04-11940-PBS

**RESPONDENT'S MOTION FOR A FURTHER ENLARGEMENT
OF TIME WITHIN WHICH TO FILE BRIEF IN OPPOSITION TO PETITION**

The Respondent, Steven O'Brien, in his capacity as Superintendent of the North Central Correctional Institute at Gardner, Massachusetts (the "Respondent"), hereby respectfully moves this Court to enlarge until April 4, 2005 the time in which he must file a brief in opposition to the petition for a writ of habeas corpus (the "Petition") filed by Petitioner Steven John Casey, Sr. (the "Petitioner"). The Respondent's brief is currently due on March 21, 2005. In support of this Motion, the Respondent states as follows:

1. The Petition arises from a 1999 conviction in the Bristol County, Massachusetts, Superior Court.
2. The Petition includes serious allegations and references complex areas of law.
3. On December 27, 2004, the Respondent filed a Motion to Dismiss the Petition on the grounds that the Petitioner failed to satisfy the statutory requirement that he fully exhaust state remedies prior to filing his Petition.
4. On December 30, 2004, this Court entered an order directing the Petitioner to file a brief in support of the Petition and the Respondent to file a brief in opposition to the Petition.

The Petitioner's deadline for filing his brief was originally January 27, 2005 and, upon motion, was extended by one month. The Petitioner filed his brief on January 31, 2005. The Respondent's deadline for filing his brief was originally February 28, 2005 and, upon motion, was extended by three weeks.

5. This Court also ordered the Petitioner to respond to the Respondent's Motion to Dismiss by March 5, 2005. To date, the Respondent has not received any response to the Motion to Dismiss, and a review of the Court's docket does not list any such response as having been filed.

6. The Respondent initially requested additional time for the filing of his brief in part to enable him to take into account the arguments that would be advanced by the Petitioner in his response to the Respondent's Motion to Dismiss. As noted above, however, no such response has yet been received.

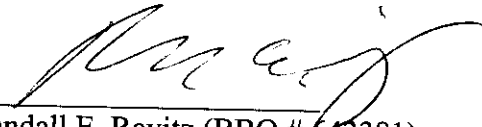
7. The Respondent also initially requested additional time for the filing of his brief to enable him to obtain necessary documentation regarding the Petitioner's trial and conviction in Bristol County. While such documentation has been received, it does not provide the most complete picture possible regarding the relationship between the Petitioner's Bristol County and Plymouth County convictions, an issue discussed at length in the Petitioner's brief. The Respondent has thus requested and is awaiting documentation concerning the Petitioner's Plymouth County conviction. The Respondent's receipt of such information will enable him to address the Petitioner's arguments in greater detail.

8. Allowance of this Motion will enable counsel for the Respondent to aid the Court most thoroughly and effectively and will not prejudice any party.

WHEREFORE, the Respondent requests that this Court enlarge the time in which he must file his brief in opposition to the Petition until April 4, 2005.

Respectfully submitted,

THOMAS F. REILLY
Attorney General


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Dated: March 21, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on March 21, 2005, by first-class mail, postage prepaid, upon:

Stephen John Casey, Sr.
W-67232
North Central Correctional Institute
500 Colony Road
P.O. Box 466
Gardner, MA 01440

pro se


Randall E. Ravitz